



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	SUP #2016-0089
Approved by Planning and Zoning:	April 26, 2017
Permission is hereby granted to:	Covanta Alexandria/Arlington, Inc.
to use the premises located at:	5301 Eisenhower Avenue
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

April 26, 2017
Date

KARL MORITZ/AD
Karl Moritz, Director
Department of Planning and Zoning

DATE: April 26, 2017

TO: Alex Dambach, Division Chief
Land Use Regulatory Services, Department of Planning and Zoning

FROM: Ann Horowitz, Urban Planner III
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0089
Administrative Review for a Change of Ownership and a Minor Amendment
Use: Waste to energy plant
Applicant: Covanta Alexandria/Arlington, Inc.
Location: 5301 Eisenhower Avenue
Zone: OCM(100)/Office Commercial Medium

Request

Special Use Permit #2016-0089 is an administrative request to change the ownership of a waste to energy plant, known as Covanta, at 5301 Eisenhower Avenue from Ogden Martin Systems to Covanta Alexandria/Arlington, Inc. The applicant also requests a minor amendment to provide for additional hours for refuse collection on Mondays through Saturday mornings. Although the plant operates 24 hours a day, seven days a week, Special Use Permits for the facility have limited the hours for refuse collection to 6 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 12 p.m., Saturday. The applicant requests extending operating hours for refuse collection between 5 a.m. and 6 p.m., Monday through Friday, and between 6 a.m. and 12 p.m. on Saturday.

Background

A waste to energy plant has operated at the site since 1988 with City Council approval of SUP #1648 on March 17, 1984 at a location which was then in the I-2 zone. On July 30, 1985, City Council approved SUP #1648-A for the redesign of the plant to include an increase in allowable height. Additional square footage for the construction of a building addition was permitted by City Council on April 15, 1989 through SUP #1648-B. City Council approved DSUP #98-0002 on September 1, 1998 to construct air pollution control equipment, which required a height of 108 feet, and for a new entrance access road,

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, Summers Grove Homewoners Association and Cameron Station Civic Association have been informed of the SUP application. Staff has not received any comments or concerns related to the request.

Zoning

The site was rezoned to OCM/100 in 1992 and the plant became a noncomplying use. Under Section 12-302 of the zoning ordinance, a noncomplying use is permitted to continue indefinitely, although expansion, enlargement, or intensification requires with Special Use

Permit approval. The addition of one hour each weekday morning and two hours on Saturday morning for refuse collection fall within the existing 24 hours-a-day operation and, therefore, does not represent an intensification of the use.

Staff Action

Staff supports the change of ownership and minor amendment request for the waste to energy plant at 5301 Eisenhower Avenue. Conditions have been carried forward from DSUP #98-0002. Staff has deleted several conditions that related to the construction of the air pollution control equipment and has amended conditions to reflect modern-day condition language. The refuse collection hours have been formalized in Condition 24. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: April 26, 2017

Action: Approved



Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2016-0089

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. CONDITION AMENDED BY STAFF That the City shall reserve the right to designate the routing of all trucks using the site. (T&ES) (P&Z) (SUP #1648, 1648-A, 1648-B)
2. CONDITION AMENDED BY STAFF That the permit shall coincide with the term of the site lease, including the lease as it may be amended from time to time. (SUP #1648, 1648-A, 1648-B) (T&ES) (P&Z)
3. CONDITION AMENDED BY STAFF That all transfers in ownership be approved by the City. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (T&ES) (P&Z) (SUP #1648, 1648-A, 1648-B)
4. CONDITION SATISFIED AND DELETED BY STAFF: Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (DSUP #98-0002)
5. All landscaping shall be maintained in good condition. (P&Z) (DSUP #98-0002)
6. CONDITION SATISFIED AND DELETED BY STAFF: The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z) (DSUP #98-0002)
7. CONDITION SATISFIED AND DELETED BY STAFF: The storm water Best Management Practices (BMP) required by this project shall be constructed and installed under the direct supervision of the design engineer or his/her designated representative. The design engineer shall make a written certification to the City that the Best Management Practices are constructed and installed as designed and in accordance with the approved final site plan. In addition, aggregate layers and collector pipes may not be installed unless said engineer or his/her representative is present. (T&ES) (DSUP #98-0002)
8. CONDITION SATISFIED AND DELETED BY STAFF: Delineate any wetlands adjacent to the stream to the north of the property and show the (RPA) boundary 100 feet south of the landward edge of the wetlands or the stream where no wetland exists (current drawing shows RPA boundary 100' from the stream centerline instead of the southern edge). Clearly delineate the boundaries of existing impervious area on the site to establish "grand fathered" impervious cover rights within the RPA. (T&ES) (DSUP #98-0002)

9. **CONDITION SATISFIED AND DELETED BY STAFF:** Provide adequate vertical clearance for proposed facility air quality retrofit over easements. (T&ES) (DSUP #98-0002)
10. **CONDITION SATISFIED AND DELETED BY STAFF:** Show an appropriate environmental sites assessment statement on page 1. (T&ES) (DSUP #98-0002)
11. **CONDITION SATISFIED AND DELETED BY STAFF:** Show a completed Worksheet B with figures from the entire site area instead of parcels 9 and 10 only. (T&ES) (DSUP #98-0002)
12. **CONDITION SATISFIED AND DELETED BY STAFF:** Correct the Worksheet B from step 1 to step 4. (T&ES) (DSUP #98-0002)
13. **CONDITION SATISFIED AND DELETED BY STAFF:** Treat all of the additional impervious area in the B.M.P. (T&ES) (DSUP #98-0002)
14. **CONDITION SATISFIED AND DELETED BY STAFF:** Show the existing and proposed site lights. (T&ES) (DSUP #98-0002)
15. **CONDITION SATISFIED AND DELETED BY STAFF:** Show the existing lights along Eisenhower Ave. (T&ES) (DSUP #98-0002)
16. **CONDITION AMENDED BY STAFF:** Provide Maintain lights along access road and in new parking lot. (T&ES) (P&Z) (DSUP #98-0002)
17. **CONDITION SATISFIED AND DELETED BY STAFF:** Indicate type of fixture, and show mounting height, and strength of fixture in Lumens. (T&ES) (DSUP #98-0002)
18. **CONDITION SATISFIED AND DELETED BY STAFF:** Provide manufacturer's specifications for fixtures. (T&ES) (DSUP #98-0002)
19. **CONDITION SATISFIED AND DELETED BY STAFF:** Provide lighting calculations to verify that lighting meets City standards. (T&ES) (DSUP #98-0002)
20. **CONDITION SATISFIED AND DELETED BY STAFF:** Show size of lateral for facility and size of the City of Alexandria trunk sewer line. (Sanitation Authority) (DSUP #98-0002)
21. **CONDITION SATISFIED AND DELETED BY STAFF:** List all hazardous materials defined by the state or federal government that will be handled, stored or generated on the property. Provide name, monthly quantity and specific method of disposal. (Sanitation Authority) (DSUP #98-0002)
22. **CONDITION SATISFIED AND DELETED BY STAFF:** List all flow calculations for proposed upgrade. (Sanitation Authority) (DSUP #98-0002)

23. The plant facility shall control and prevent odors at the site from becoming a nuisance to the neighborhood, so that under normal conditions, odors from the facility are not noticeable beyond the property lines of the waste-to-energy facility. (Health) (Planning Commission) (DSUP #98-0002)
24. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~Within 90 days of the approval of this permit, the applicant shall make every effort to control odors including efforts to ensure that both doors are not open at the same time. (Planning Commission) (DSUP #98-0002)~~
25. **CONDITION ADDED BY STAFF:** Hours for refuse collection shall be limited to 5 a.m. - 6 p.m., Monday through Friday, and 6 a.m. - 12 p.m. on Saturday.
26. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 T&ES supports the request.

Fire Department:

No comments or concerns related to hours of operation

Code Enforcement:

No comments received

Health Department:

No comments received

Recreation, Parks and Cultural Activities:

No comments received.

Police Department:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0089. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5301 Eisenhower Avenue.


Applicant - Signature

5-25-17
Date

JOSEPH O. NEUOFF III
Applicant - Printed

Date